

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

JALEN TARLETON,

Defendant.

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ORDER

23-mj-1807

THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

The Court is in receipt of the Government's letter motion seeking reconsideration of the Court's March 6, 2023 bail determination and requesting that the Court stay its previous order while considering the application. ECF No. 4. The Court is also in receipt of Defendant's letter motion seeking additional time to fulfill Defendant's bond conditions, or, in the alternative, additional time to respond to the Government's letter motion. ECF No. 5.

The Court construes the Government's application as a request to reopen the March 6, 2023 detention hearing on the ground that "information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community." 18 U.S.C. § 3142(f). In light of the new information presented by the Government, and the extent of the discussion at the March 6, 2023 detention hearing regarding Defendant's military record, the Government's application to reopen the detention hearing is GRANTED. Even though the hearing has been reopened, the Court reserves decision as to whether the new information provided will alter the Court's original bail determination. Defendant's request to have until March 17, 2023 to respond to the Government's letter is also GRANTED.

As to the question of the Government's request for a stay of the Court's release decision, at the March 6, 2023 hearing, the Court ordered that Defendant would have to remain in custody until all conditions of the bond were satisfied, with the understanding that the parties would take the necessary steps to attempt to complete the necessary processes by March 10, 2023. From Defendant's application for an extension of time until March 17, 2023 to satisfy the bond conditions, it is clear that Defendant could not be released in the coming days, even based on the terms of the Court's original order. Accordingly, the Government's request for a stay of the Court's release decision is GRANTED. That said, the parties should continue to work to satisfy the conditions for Defendant's release so that he could be released promptly if the Court were to determine, at the reopened hearing, that release remains appropriate.

The Court will contact counsel to schedule a continued detention hearing for early in the week of March 20, 2023. Upon receipt of this order, counsel should notify Chambers of any specific known scheduling conflicts that week.

The Clerk of Court is respectfully directed to terminate the motions at ECF Nos. 4 and 5.

Dated: March 9, 2023
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge